The Planning Inspectorate

Appeal Decision

Site visit made on 5 June 2017

by David Cross BA (Hons), PGDip, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2017

Appeal Ref: APP/R2330/W/17/3168376
The Fir Trees, Sough Lane, Guide BB1 2LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Miss J Jones against the decision of Hyndburn Borough Council.
- The application Ref 11/16/0387, dated 26 September 2016, was refused by notice dated 23 November 2016.
- The development proposed is agricultural building.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The applicant has confirmed that Mr J Jones is authorised to conduct the appeal on her behalf. As the appeal cannot be transferred to another person, the appeal has continued in the name of the applicant Miss J Jones as set out above. However, for the avoidance of doubt the substitute appellant is Mr J Jones who assumes responsibility for conducting the appeal in the applicant's name.

3. The appellant states that since the submission of the planning application, it has come to light that some of the land shown on the location plan is owned by a third party. However, the appellant has confirmed that the appropriate notice has been served as part of the appeal process. I am therefore satisfied that the interests of the owners of the land have not been prejudiced, and I have proceeded to determine the appeal on that basis.

Main Issues

4. The main issues in this appeal are:

   - Whether or not the proposal would be inappropriate development in the Green Belt;
   - The effect of the proposal on the character and appearance of the countryside; and
   - Whether there is an agricultural justification for the proposed building.

Reasons

Whether Inappropriate Development

5. The appeal site is located within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is buildings for agriculture and forestry.

6. In relation to determining whether or not an agricultural building is inappropriate, the Framework does not set out any limiting criteria in relation to size or any other matters. This approach is reflected in the appeal decision at Twine Valley Farm[1] which the appellant has drawn my attention to. Although the Council has queried the extent of agricultural use on the site, the application is for a building to be used for agricultural purposes and, in relation to the Green Belt, should be assessed on that basis.

7. The proposal is for an agricultural building. Therefore, the proposal would fall within one of the specific exceptions of paragraph 89 of the Framework and would not be inappropriate development within the Green Belt. In this regard the proposal would comply with Policy BD1 of the Hyndburn Core Strategy 2012 (CS) and the Framework.

Character and Appearance

8. The Council's decision refers to harm to visual amenity. Policy ENV3 of the CS states, amongst other things, that new development must be appropriate to the landscape character type and contribute towards the conservation, enhancement or restoration of landscape character. The policy goes on to state that landscape character will be protected and enhanced by measures including ensuring that new development is well integrated into the settlement pattern, respecting the small scale dispersed pattern of farmsteads and clusters of buildings.

9. The site is located within an open landscape which includes paddocks, farmland, woodland, water features and disparate built development extending along Sough Lane. The proposed building would be located some distance from Sough Lane and would be a prominent free-standing feature within this landscape. Although the building would be of an agricultural design, it would be of a utilitarian appearance and would appear as an obtrusive feature within the countryside located remotely from the pattern of development along Sough Lane. Although the building would be set down in a partial excavation and located against an existing embankment, I saw that the screening effect would be limited due to the height and extent of the proposal. The building would be readily visible from Sough Lane as well as the busy road some distance to the south of the site.

10. The appellant contends that the proposal is for a modest building that is within the limits of a prior notice application under the General Permitted Development Order. However, in my view, the building would be a substantial structure as it would measure approximately 21m by 9m with a height to the ridge of the roof of approximately 5.8m. Furthermore, this appeal relates to an application for planning permission and I have considered it on that basis.

[1] Appeal Ref: APP/T4210/W/16/3151468

11. I conclude that due to its design, scale and location the development would harm the character and appearance of this area of countryside. The proposal would therefore conflict with Policies ENV3 and ENV6 of the CS due to its impact on landscape character. The proposal would also conflict with the provisions of the Framework with regard to well designed new buildings and recognising the intrinsic character and beauty of the countryside.

Agricultural Justification

12. Based on the evidence before me, the appellant operates a horse breeding and dealing enterprise from the land around the site, although it is intended that this will be reduced and that part of the land will be used for agricultural purposes including a flock of sheep.

13. I have been provided with an extract from the British Farming Forum which relates to the storage of hay bales for sheep. However, the Council states that the volume of hay storage required represents a small proportion of the volume of the building and that no evidence has been provided in relation to the space required for other operational matters such as lambing and machine storage. The Council has requested that the appellant provides an 'agricultural statement' in relation to the proposal but this has not been submitted.

14. In respect of the proposed agricultural use, I have had regard to the extract on 'Permitted Development Rights for Agriculture and Forestry'[2] provided by the appellant which states that a condition relating to development reasonably necessary for the purposes of agriculture does not require that a new building should necessarily accommodate an agricultural use already existing in the unit. However, as stated previously, this appeal relates to an application for planning permission and I have considered it on that basis.

15. Whilst there may be functional requirements arising from the agricultural enterprise that the appellant wishes to establish, overall the building appears much larger than would be reasonably necessary for that agricultural use. Consequently, I find that there is no justified agricultural need for a building of the design and scale of the proposal.

Conclusion

16. Whilst I have concluded that the proposal would not be inappropriate development within the Green Belt this does not automatically mean that it would be acceptable in terms of other planning issues. The proposal would harm the character and appearance of this area of countryside and the limited agricultural justification provided by the appellant would not outweigh that harm. The proposal is therefore contrary to the development plan as a whole and the provisions of the Framework.

17. Accordingly, for the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

David Cross

INSPECTOR

[2] Taken from 'The Countryside – Environmental Quality and Economic and Social Development (PPG7)'